

ADAMS, J.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 1:05CR0537
)	
Plaintiff,)	
)	JUDGE JOHN R. ADAMS
v.)	
)	<u>ORDER</u>
DWAYNE NABORS, et al.,)	
)	
Defendants.)	

This action is before the Court upon the following motions filed in Case No.1:05CR0537 and the related civil cases:¹

<u>Defendant</u>	<u>Motion</u>	<u>Civil Case No.</u>
Tyron Brown	Motion for New Trial Under Rule 33(b)(1) ²	NA
Jerry Moton	Motion to Vacate Under 28 U.S.C. § 2255	1:08CV0088
Dametrese Ransaw	Motion to Vacate Under 28 U.S.C. § 2255	1:07CV2818
Arrico Spires	Motion to Vacate Under 28 U.S.C. § 2255	1:08CV0127
Charles D. Mathews	Motion to Vacate Under 28 U.S.C. § 2255	1:07CV2817

¹Defendants Dwayne Nabors (Case No. 07-3057), Albert Lee, Jr. (Case No. 07-3108), and Marlon L. Brooks (Case No. 06-4534) have appeals pending in the Court of Appeals for the Sixth Circuit. This Court will enter a subsequent Order granting them similar relief when their cases are remanded or dismissed by the Sixth Circuit.

²Doc. 897 in Case No. 1:05CR0537.

James Burton	Motion to Vacate Under 28 U.S.C. § 2255 ³	1:07CV3383 1:08CV0121
Noel Mott	Motion to Vacate Under 28 U.S.C. § 2255	1:08CV0089
Jim Williams	Motion to Vacate Under 28 U.S.C. § 2255; Motion for Relief from Judgment Under Rule 60(b) ⁴	1:07CV2819
Nolan Lovett	Motion to Vacate Under 28 U.S.C. § 2255	1:07CV2754
Johnny Robertson	Motion to Vacate Under 28 U.S.C. § 2255	1:08CV0090
Frank Douglas	Motion to Vacate Under 28 U.S.C. § 2255	1:07CV2621
Robert Harris, III	Motion to Vacate Under 28 U.S.C. § 2255	1:07CV2735

The Court has reviewed the Government's Motion for Leave of Court to Dismiss (Doc. 911 in Case No. 1:05CR0537), which provides in part that

the government has concluded that Bray's illegal conduct was so pervasive and his credibility so tainted by his guilty plea, that each of the above-captioned defendants should be entitled either to a new trial or to withdraw their guilty pleas. Therefore, the government has no objection to this Honorable Court granting the motions previously set forth to the extent that said pleading have attacked the credibility of Jerrell Bray.

Id. at 5. The Court agrees. Therefore, the convictions and sentences of defendants Tyron Brown, Jerry Moton, Dametrese Ransaw, Arrico Spires, Charles D. Mathews,

³Burton has filed two Motions to Vacate Under § 2255.

⁴Doc. 835 in Case No. 1:05CR0537.

James Burton, Noel Mott, Jim Williams, Nolan Lovett, Johnny Robertson, Frank Douglas, and Robert Harris, III in Case No. 1:05CR0537 are VACATED. Furthermore, the guilty pleas of these defendants in Case No. 1:05CR0537 are WITHDRAWN.

Case Nos. 1:08CV0088, 1:07CV2818, 1:08CV0127, 1:07CV2817, 1:07CV3383, 1:08CV0121, 1:08CV0089, 1:07CV2819, 1:07CV2754, 1:08CV0090, 1:07CV2621, and 1:07CV2735 are CLOSED.

Next, the government states in Doc. 911 that it

has additionally reviewed the evidence in light of proceeding to trial as to each of the defendants. In this regard, the government has concluded, as previously noted, that Bray, as an essential witness, is not reliable or credible. The government also noted in reviewing the evidence that many of the foregoing defendants made voluntary statements to law enforcement admitting their roles in the distribution of crack cocaine in the greater Mansfield area. Despite these admissions, based on the government's abiding belief in our system of justice and fundamental fairness, Bray's illegal conduct in the Mansfield investigation (violating [people's] civil rights and committing perjury before this Court) is so pervasive that it leaves the government with no alternative other than to conclude that these matters must be dismissed.

Id. at 5-6.

For good cause shown and in the interest of justice, the government's Motion for Leave of Court to Dismiss (Doc. 911) is GRANTED as to defendants Tyron Brown, Jerry Moton, Dametrese Ransaw, Arrico Spires, Charles D. Mathews, James Burton, Noel Mott, Jim Williams, Nolan Lovett, Johnny Robertson, Frank Douglas, and Robert Harris, III. All charges pending in Case No. 1:05CR0537 against these defendants only are DISMISSED.

The Clerk of Court shall docket the within Order in Case Nos. 1:05CR0537, 1:08CV0088, 1:07CV2818, 1:08CV0127, 1:07CV2817, 1:07CV3383, 1:08CV0121,

1:08CV0089, 1:07CV2819, 1:07CV2754, 1:08CV0090, 1:07CV2621, and 1:07CV2735.

IT IS SO ORDERED.

January 25, 2008
Date

/s/ John R. Adams
John R. Adams
U.S. District Judge